



SUFFOLK COUNTY SHELLFISH AQUACULTURE LEASE PROGRAM LEASE APPLICATION

This is an application for a Suffolk County shellfish aquaculture lease site within the established Shellfish Cultivation Zone in Peconic Bay and Gardiners Bay. This application is for on-bottom and/or off-bottom commercial shellfish cultivation activities, as well as non-commercial shellfish cultivation for experimental/educational or resource restoration purposes. For consideration in the Suffolk County Aquaculture Lease Program, all applicants must meet the eligibility requirements as outlined in the [Revised Administrative Guidance](#) (RAG). **No shellfish cultivation activities shall take place on a proposed lease site until a Shellfish Aquaculture Lease Agreement is executed and all required regulatory permits are obtained.**

EACH LEASE APPLICANT IS REQUIRED TO PARTICIPATE IN A PRE-APPLICATION MEETING WITH DEPARTMENT STAFF PRIOR TO SUBMITTING A LEASE APPLICATION. PRE-APPLICATION MEETINGS FOR NEW LEASES SHALL ONLY OCCUR DURING THE ESTABLISHED LEASE APPLICATION PERIOD. AN APPLICATION WILL NOT BE CONSIDERED COMPLETE UNTIL A PRE-APPLICATION MEETING IS CONDUCTED. TO SCHEDULE A PRE-APPLICATION MEETING, PLEASE CALL MS. BARBARA DELGIUDICE AT THE SUFFOLK COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING, DIVISION OF PLANNING AND ENVIRONMENT AT 631-853-5111.

Suffolk County requires all applicants to submit a **non-refundable** application fee with a Shellfish Aquaculture Lease Program (SCALP) Lease Application. The application fee is separate from and shall not be applied towards the annual lease rental fee that is due upon execution of a Shellfish Aquaculture Lease Agreement.

Shellfish Aquaculture Lease Program Lease Application Fee: \$ _____
Please make your check or money order payable to the *Suffolk County Comptroller*.

Mailing Instructions:

Subsequent to the required pre-application meeting, applications must be mailed to the County at the address listed below. **Please do not drop-off or deliver an application.** _____

Lease Applications must be post marked by: _____. Applicants shall be notified by receipt when the application was received by the Department. Applications that are received and post marked after the required post mark date will not be accepted and shall be returned to the applicant.

SUFFOLK COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT & PLANNING
DIVISION OF PLANNING & ENVIRONMENT
P.O. Box 6100
H. Lee Dennison Bldg. – 11th Floor
Hauppauge, NY 11788-0099
Attn: Mr. Thomas Ralicky

PART I.



**SUFFOLK COUNTY
SHELLFISH AQUACULTURE LEASE PROGRAM
LEASE APPLICATION STATUS FORM**

1. Full Legal Name of Applicant: _____
2. Contact Person for Applicant: _____
3. Contact Person's Position/Title: _____
4. Street Address: _____
5. Mailing Address: _____
6. Preferred Phone #: _____

7. Please list your proposed lease sites in priority order in the table below:

<u>Lease Sites Map ID#</u>	<u>Proposed Site Location:</u> (Town) (Water body)
1.	
2.	
3.	

DO NOT WRITE BELOW THIS LINE

TO BE COMPLETED BY S.C. DIVISION OF PLANNING AND ENVIRONMENT

Date Received by EDP 11th Floor: _____

Processed by (*Staff Name*): _____

Received by Thomas Ralicky: _____

Status:

Complete: _____

Incomplete: _____ (*See attached*)

*****Please attach your application fee to this page and return to the Dept. with your application*****

PART II.

DESCRIPTION OF THE LEASE APPLICATION PROCESS

(Applicants please keep this page for future reference)

1. Pre-application Meeting: Prior to submitting a lease application, each lease applicant must contact the Suffolk County Department of Economic Development and Planning/Division of Planning and Environment (Department) to schedule a pre-application meeting. Applications submitted without a pre-application meeting will not be considered complete and shall be returned.

2. Application Submittal and Review: Pursuant to the RAG Section 3.8(A.), Suffolk County will only consider complete applications received during the established lease application period and shall make a determination on applicant eligibility based upon criteria outlined in the RAG. Applicants shall be notified by receipt when the application was received by the Department. Incomplete applications will be returned to the applicant. If there is adequate time remaining in the application period, an applicant may resubmit their application with the missing information. Applications that are post marked after the required post mark date shall not be accepted and shall be returned to the applicant.

3. Establish Application Priority: Subsequent to the close of the lease application period, if the aggregate acreage for new lease applications exceeds the acreage available under the annual acreage cap limit, the Department shall employ the Random Selection Process described in Section 3.9 of the RAG, to establish applicant priority and determine which applicants will proceed in the lease application process. All applicants will be notified of the results of the Random Selection Process.

4. Public Comment Period: Notice shall be provided for at least two months by posting such notice in the office of the Suffolk County Division of Planning & Environment; the Office of the Suffolk County Clerk; the office of the New York State Department of Environmental Conservation (NYSDEC) Division of Marine Resources; the Clerk's Office of the five East End towns; and the office of the East Hampton, Southampton and Southold Town Trustees. Such notice shall also be published in the official newspaper(s) of the County; a local newspaper; posted on the Lease Program website; and emailed to all who have signed up for notifications regarding SCALP. The notice shall include the name of the applicants; proposed lease sites; Town where the lease sites are located; lease site coordinates; proposed operation type; and proposed cultivation method. The public will be able to submit written comments to the Department on the proposed lease sites during this two-month period. Once the comment period has concluded, the Department will send to the applicant any comments and/or objections received that pertain to their application.

5. Decision: In addition to reviewing written comments that were submitted during the public comment period, the Aquaculture Lease Board (ALB) shall convene a public meeting(s). All lease sites that were identified in the lease applications and applied for under a given application cycle will be presented to the ALB for consideration from a regional perspective, and based on the other factors listed in the Suffolk County Code Section 475-18. ALB meetings are open to the public; information regarding the date, time and venue for the meetings will be posted on the Lease Program website. Upon review of all written and/or oral public comments, the ALB shall make a determination by majority vote as to which sites will be approved and/or disapproved under a given lease application cycle.

6. Notification: Subsequent to the ALB meeting, the Department will notify each applicant of ALB's approval or disapproval of their proposed lease sites. Lease applicants shall be required to verify their desire to proceed with the lease execution and confirm their lease site selection. Prior to lease execution, the approved lease site must be surveyed by a licensed land surveyor and must meet all requirements outlined in Appendix A of the RAG. The applicant shall be responsible for the procurement and cost of the lease site boundary survey, and respective boundary survey maps. The applicant has a period of six months from date of this notification to submit the required survey maps to the Department. Failure to submit the boundary survey maps within the specified six month period may result in the termination of the lease application and the discontinuance of the lease execution process.

7. Preparation of Lease and Lease Execution: Once the lease site boundary survey has been completed, and the required survey maps are submitted, the Department shall prepare the lease documents for review by the applicant. The Department will send to the lease applicant a letter with instructions and a draft of the Lease Agreement for them to review. The applicant will have 45 days from the date of this notice to contact the Department and schedule a date and time to come to the Division of Planning and Environment to sign the required lease documents. If the lease applicant has not signed his/her Shellfish Aquaculture Lease Agreement within the established 45-day time period, the Department may terminate the lease application and discontinue the lease execution process.

8. Lease Program Requirements: The applicant must obtain all permits and licenses required by the NYSDEC, US Army Corps of Engineers, and US Coast Guard prior to the conduct of any shellfish cultivation activities. Leaseholders shall have six months from the date of Departmental notification regarding the ALB's decision to apply for all applicable Federal and State regulatory permits. Hard copies or pdf's of all permit applications must be submitted to the Department to document the completion of this requirement. Lease site boundaries must be identified and marked according to requirements specified in Appendix B of the RAG. Once permits are issued, leaseholders may deploy lease site boundary markers and are required to submit photos of boundary markers to the Department. Leaseholders must also contact the National Oceanic and Atmospheric Administration to initiate chart/coastal pilot corrections prior to deployment of shellfish aquaculture gear on the lease. If the required regulatory permit applications have not been submitted within the established timeframe this shall be cause for termination of the lease preparation/execution process or termination of the lease by the County.

9. Leaseholder Requirements: Each leaseholder must complete and submit a Leaseholder Annual Report Form, Contractor's/Vendor's Public Disclosure Statement (*Suffolk County Form 22*), and Annual Lease Rental Fee payment each year they hold a lease with the County. The leaseholder shall be responsible for making reasonable efforts to maintain lease site boundary markers and submitting documentation of the same with Annual Reporting information. Continuance of the lease shall be subject to the leaseholder's ability to demonstrate substantial shellfish aquaculture activity as defined by the Section 4.6 of the RAG.

PART III.

SHELLFISH AQUACULTURE LEASE PROGRAM LEASE APPLICATION

1. Full Legal Name of Applicant: _____
(For applicants who are incorporated, partnerships or a LLC, please also complete Part V of this form.)

If you are a sole proprietor **not** operating under your personal name, please submit a General Business Certificate issued by the County Clerk for your Business Name.

2. Contact Person for Applicant: _____

3. Contact Person's Title/Position: _____

4. Street Address: _____

5. Mailing Address: _____

6. City, County, State and Zip: _____

7. Telephone #: business _____ home _____ cellular _____
(Please indicate your preferred contact number with *)

8. Email Address: _____

9. Date of Birth: _____ **Social Security No.:** _____

10. Photo Identification: Please attach to this application a copy of a valid photo identification document (i.e., *New York State Driver's License, US Passport*).

11. Are you or any Affiliate* of the organization Suffolk County Employees? ☐ **Yes** ☐ **No**

a. If yes please list the name (s), Department(s) and title of the position(s) held:

12. Are you or any Affiliate* of the organization a US Veteran? ☐ **Yes** ☐ **No**

a. If yes, please attach supporting documentation (i.e., *a copy of DD Form 214, a copy of your Military ID Card, or other similar forms of veteran identification*).

13. Does the proposed Applicant own an interest, either directly or beneficially, in any other New York State shellfish cultivation operation? ☐ **Yes** ☐ **No**

a. If yes, please complete the chart table below:

<u>Lease or License?</u>	<u>Site ID#</u>	<u>Acreage Amount</u>	<u>Site Location</u> (Town) (Water body)

14. Date of Pre-application meeting: _____

**Affiliate means an officer, director, or shareholder of a corporation, a partner in a partnership, or a member of a limited liability company.*

PART IV.

LEASE APPLICANT ELIGIBILITY REQUIREMENTS

1. Have you completed a recognized course of study in shellfish aquaculture, marine science or other related disciplines? ☐ Yes ☐ No
 - a. If yes, please list the name of the institution, college and/or university where you completed your studies? _____
 - b. When did you complete your studies? _____

2. Did you receive a Bachelors of Arts/Sciences, a Master's Degree, PhD and/or any certification indicating the completion of any technical training? ☐ Yes ☐ No
 - a. If yes, please list the type of degree(s) (i.e., *Marine Sciences*), whether the degree is a BA/BS, MA, or PhD and/or certifications received?

3. If you took a technical training course, how many course hours were you required to complete in order to receive a certification of completion?

4. Do you have two or more years of shellfish aquaculture experience either as an employee or apprentice to a shellfish farmer? ☐ Yes ☐ No
 - a. If yes, please list where you were employed (company name) and/or the name of shellfish farmer:

 - b. How long did you work for the company and/or shellfish farmer (*e.g., number of years, months, or weeks*)? If you were a seasonal employee, please indicate that in your response:

 - c. What was your job title or role at the company? Please briefly describe your job responsibilities:

5. Do you have three or more years' experience as a commercial baymen and/or shellfisherman? ☐ Yes ☐ No

a. If yes, please specify if you have experience as a commercial baymen and/or please list number of years' experience as a commercial baymen and/or shellfisherman:

b. If you have experience as a commercial baymen, were you self-employed or did you work for a company? Please list the name of the company and/or individual you worked for:

c. Please briefly describe your duties and/or role at the company:

6. Please list any additional relevant experience not listed above (*attach additional sheets as necessary*):

7. Please list proposed lease sites in priority order in the table below.

<u>Lease Sites Map ID#</u>	<u>Proposed Site Location:</u> (Town) (Water body)
1.	
2.	
3.	

Please note that if you are selected, you will only receive a lease on one of the lease sites proposed above.

If you are applying for a lease on or within an oyster grant please complete and submit Private Oyster Grant Owner (POGO) Attachment.

8. Proposed Shellfish Cultivation Activities

a. Proposed Lease Type (check one):

☐ Commercial ☐ Experimental/Educational ☐ Resource Restoration

b. Proposed Type of Culture Operation (check one):

☐ ON-BOTTOM ☐ OFF-BOTTOM ☐ ON/OFF-BOTTOM

c. Proposed List of Species to be Cultivated (check all that apply):

☐ Eastern Oyster ☐ Razor Clam
☐ Hard Clam ☐ Bay Scallop
☐ Blue Mussel ☐ Other: _____
(Please list species)

d. Proposed Aquaculture Gear Type (*include additional details in Cultivation Plan*):

- i. _____
- ii. _____
- iii. _____

9. Shellfish Cultivation Plan

All lease applicants are required to submit a Shellfish Cultivation Plan as part of their application. The Shellfish Cultivation Plan should describe in detail the proposed shellfish aquaculture activities that will occur in preparation of the deployment of the shellfish farming operation, as well as the proposed cultivation activities that will take place on/within the subject lease parcel and the estimated timeframe to start farming activities. Shellfish cultivation plans should include but are not limited to the information outlined in Appendix C “Shellfish Culture/Operations Plan Outline” of the Revised Administrative Guidance document. This plan should also include proposed build out for the first three to five years of the lease. *Please be advised your Shellfish Cultivation Plan will not be included in the Public Notice.*

To access the Revised Administrative Guidance please click [here](#).

Please attach a copy of your proposed Shellfish Cultivation Plan to this application. Applications that do not include a Shellfish Cultivation Plan will not be considered complete and the application will be returned to the lease applicant.

Shellfish Cultivation Plan Enclosed: ☐

10. Shellfish Aquaculture Business Plan

All lease applicants are required to submit a Shellfish Aquaculture Business Plan that provides estimated start-up costs for the proposed shellfish aquaculture operation, which may include but is not limited to the cost for a boat, marina fees, mooring fees, aquaculture gear/equipment, buoys/markers, permit fees, shellfish seed stock, etc. The plan should identify the type of entity applying for the lease (*Corporate, Partnerships and LLC's must complete Part V. of this application*); product and brand development; marketing of product, etc. Please see Appendix D of the RAG for an example of the type of information that should be included in an Aquaculture Business Plan. *Please be advised your Aquaculture Business Plan will not be included in the Public Notice.*

To access the Revised Administrative Guidance please click [here](#).

Please attach your Aquaculture Business Plan with this application. Applications that do not include an Aquaculture Business Plan will not be considered complete and the application will be returned to the lease applicant.

Aquaculture Business Plan Enclosed: ☐

11. Certification:

- a. Does the Applicant warrant that it is not in arrears to the County for taxes or upon debt or contract, and is not in default, as principal, surety, contractor or otherwise on any obligation to the County?

☐ YES ☐ NO

Please be advised, Suffolk County may submit a Freedom of Information Law (FOIL) request to the New York State Department of Environmental Conservation and/or a Freedom of Information Act (FOIA) request to any relevant federal government agency to verify whether a lessee has been convicted or found guilty for any violations of the New York State Environmental Conservation Law or other applicable Federal or State laws.

Please be advised, Suffolk County will not release or share certain records that it deems proprietary information, private information and/or financial information regarding the Leaseholder unless required to do so by court order or by applicable law (e.g. the Freedom of Information Law (FOIL)) or regulation. Among other exemptions, FOIL provides for exemption from disclosure for records, or portions thereof, that:

- *Are specifically exempted from disclosure by state or federal statute;*
- *If disclosed would constitute an unwarranted invasion of personal privacy under the provisions of Pub. Officers Law § 89(2); or*
- *Are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise;*

12. Lease Program Application Fee Enclosed: ☐

Please make check or money order payable to the *Suffolk County Comptroller*.

Please include Lease Site # on the memo line of the check or money order.

Check Number of the attached check: _____

13. Lease Application Status Form (Part I) enclosed: ☐

I hereby state that the information included in this application is true and correct and that I have read and understand the regulations of the New York State Department of Environmental Conservation, and the requirements of the Suffolk County Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay governing shellfish aquaculture.

Full Legal Name of Applicant: _____

Print Name of Signer: _____

Title of Signer: _____

Signature: _____ **Date:** _____

The Application must be executed by an authorized party. If the applicant is a corporation, the form should be signed by an officer. If the applicant is a LLC, the form should be signed by a managing member, or a manager or other principal. If the applicant is a partnership, the form should be signed by a partner. In each instance, a certified, duly-adopted corporate resolution or LLC, or partnership Meeting Abstract showing authorization for the application should be attached.

McKinney's Penal Law § 175.35(1) Offering a false instrument for filing in the first degree

A person is guilty of offering a false instrument for filing in the first degree when:

1. knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he or she offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation;...

Offering a false instrument for filing in the first degree is a class E felony.

McKinney's Penal Law § 175.30 Offering a false instrument for filing in the second degree

A person is guilty of offering a false instrument for filing in the second degree when, knowing that a written instrument contains a false statement or false information, he offers or presents it to a public office or public servant with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office or public servant.

Offering a false instrument for filing in the second degree is a class A misdemeanor.

PART V.



SUFFOLK COUNTY SHELLFISH AQUACULTURE LEASE PROGRAM APPLICATION PART V. FOR CORPORATIONS, PARTNERSHIPS OR LIMITED LIABILITY COMPANY.

Lease Applicants that are a Corporation, Partnership or LLC and are interested in submitting any of the following Lease Program applications must complete and submit all required documents specified in applicable section of Part V.

- Shellfish Aquaculture Lease Application
- Application for Second Lease Site.

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1. **Corporate Applicants** (discard if not applicable)

Please provide the requested information if you are a **corporate entity**.

C-1. Please list the date and state in which incorporated (*include a copy of the Articles of Incorporation*): _____

C-2. Type of Corporation: ☐ Domestic Corp. ☐ Foreign Corp.

*If a Foreign Corp., (i.e., a corporation that was **not** incorporated in the State of New York), a Certificate of Authority from the NYS Dept. of State, which allows the Corp. to do business in NYS must be submitted.*

C-3. Does this corporation conduct business under a different name other than the legal corporate name? ☐ YES ☐ NO

If yes, please submit a General Business Certificate issued by the Suffolk County Clerk for your Business Name.

C-4. Federal Tax ID No. (EIN): _____

C-5. Please list the names and addresses of all shareholders, who own or control at least 5% of the outstanding stock and the percentage of the outstanding stock currently owned or controlled by each such shareholder:

C-6. Please list the names and addresses of all directors:

C-7. Please list the names, addresses and titles of all officers:

C-8. Is the certified and duly adopted corporate resolution, which acknowledges the terms and requirements set for in the subject Shellfish Aquaculture Lease Agreement; and authorizes entry into the subject lease with the County of Suffolk, enclosed? ☐ YES

C-9. Has the corporation, or any shareholder, director, or officer applied for a Suffolk County shellfish aquaculture lease for underwater lands in Peconic Bay or Gardiners Bay in the past? ☐ YES ☐ NO

If yes, state the outcome or current status of that application or lease:

C-10. Please list the names and addresses of shareholders, directors, or officers owning an interest, either directly or beneficially, in any other New York State shellfish cultivation operation, as well as the location and quantity of acreage attributed to each such person:

C-11. Has the corporation or any officer, director or shareholder ever been convicted or found guilty of any civil, criminal or administrative violations of the Environmental Conservation Law or other Federal, State or local law, as it pertains to shellfish, finfish, other marine resources, environmental protection, food sanitation, navigation or operation of a vessel?
☐ Yes ☐ No

If yes, explain: _____
(Attach additional sheets if necessary)

Full Legal Name of Applicant: _____

Print Name of Signer: _____

Title of Signer: _____

Signature: _____ **Date:** _____

This form must be executed by an officer and accompanied by a certified, duly-adopted corporate resolution authorizing the submission of this form and entry into the subject lease.

McKinney's Penal Law § 175.35(1) Offering a false instrument for filing in the first degree

A person is guilty of offering a false instrument for filing in the first degree when:

1. knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he or she offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation;...

Offering a false instrument for filing in the first degree is a class E felony.

McKinney's Penal Law § 175.30 Offering a false instrument for filing in the second degree

A person is guilty of offering a false instrument for filing in the second degree when, knowing that a written instrument contains a false statement or false information, he offers or presents it to a public office or public servant with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office or public servant.

Offering a false instrument for filing in the second degree is a class A misdemeanor.

2. Partnership Applicants *(discard if not applicable)*

Please provide the requested information if you are a Partnership or Limited Partnership (LP).

- P-1. Please list the date and state in which the partnership was formed *(include a copy of either the Certificate of LP or documentation of the formation of a General Partnership)*:

- P-2. Does this partnership conduct business under a different name other than the legal partnership's name? ☐ Yes ☐ No

If yes, please submit a General Business Certificate issued by the Suffolk County Clerk for your Business Name.

- P-3. Federal Tax ID No. (EIN):

- P-4. Please list the names, addresses, and ownership shares of partners:

- P-5. Has the partnership or any partner applied for a Suffolk County shellfish aquaculture lease for the underwater lands of Peconic Bay or Gardiners Bay in the past? ☐ Yes ☐ No

If yes, state the outcome or current status of that application or lease:

- P-6. State whether the partnership (or either partner) owns an interest, either directly or beneficially, in any other New York State shellfish cultivation operation, as well as the location and quantity of acreage from the existing operation:

P-7. Is a signed meeting abstract, which documents the meeting of all partners or managing members enclosed? The meeting abstract must include the following information:

- List all partners.
- State who is authorized to manage the Partnership and to enter into contracts.
- Demonstrate agreement by partners or managing members entitled to vote to enter into and be bound by the Lease. Please list the date of said action taken.

P-8. Has the partnership or any partner been convicted or found guilty of any civil, criminal or administrative violations of the Environmental Conservation Law or other Federal, State or local law, as it pertains to shellfish, finfish, other marine resources, environmental protection, food sanitation, navigation or operation of a vessel? ☐ Yes ☐ No

If yes, explain: _____
(Attach additional sheets if necessary)

Full Legal Name of Applicant: _____

Print Name of Signer: _____

Title of Signer: _____

Signature: _____ **Date:** _____

This form must be executed by a partner and must be accompanied a meeting abstract that authorizes submission of this form and entry into the subject lease.

McKinney's Penal Law § 175.35(1) Offering a false instrument for filing in the first degree

A person is guilty of offering a false instrument for filing in the first degree when:

1. knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he or she offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation;...

Offering a false instrument for filing in the first degree is a class E felony.

McKinney's Penal Law § 175.30 Offering a false instrument for filing in the second degree

A person is guilty of offering a false instrument for filing in the second degree when, knowing that a written instrument contains a false statement or false information, he offers or presents it to a public office or public servant with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office or public servant.

Offering a false instrument for filing in the second degree is a class A misdemeanor.

3. Limited Liability Company (LLC) Applicants *(discard if not applicable)*

Please provide the requested information if you are a **LLC**.

- L-1. Please list the date and state in which the LLC was formed *(include a copy of the Articles of Organization)*:

- L-2. Type of LLC: ☐ Domestic LLC ☐ Foreign LLC

*If a Foreign LLC, (i.e., a LLC that was **not** formed in the State of New York), a Certificate of Authority from the NYS Dept. of State, which allows the LLC to do business in NYS must be submitted.*

- L-3. Does this LLC conduct business under a different name other than the legal LLC name?
☐ Yes ☐ No

If yes, please submit a General Business Certificate issued by the Suffolk County Clerk for your Business Name.

- L-4. Federal Tax ID No. (EIN): _____

- L-5. Please list the names, addresses, and ownership interest of all members:

- L-6. Please list the names, addresses, titles and ownership interest (if any) of all persons authorized to manage the LLC and to enter into contracts:

L-7. Is a copy of the LLC's Operating Agreement enclosed? ☐ YES

L-8. Is a signed meeting abstract, which documents the meeting of all LLC members or managing members, enclosed? The meeting abstract must include the following information:

- List all members of the LLC.
- State who is authorized to manage the LLC and to enter into contracts.
- Demonstrate agreement by members entitled to vote to enter into and be bound by the Lease. Please list the date of said action taken.

L-9. Has the LLC or any member applied for a Suffolk County shellfish aquaculture lease for the underwater lands of Peconic Bay or Gardiners Bay in the past? ☐ Yes ☐ No

If yes, state the outcome or current status of that application or lease:

L-10. State whether the LLC or any member owns an interest, either directly or beneficially, in any other New York State shellfish cultivation operation, as well as the location and quantity of acreage from the existing operation:

L-11. Has the LLC or any member been convicted or found guilty of any civil, criminal or administrative violations of the Environmental Conservation Law or other Federal, State or local law, as it pertains to shellfish, finfish, other marine resources, environmental protection, food sanitation, navigation or operation of a vessel? ☐ Yes ☐ No

If yes, explain: _____

(Attach additional sheets if necessary)

Full Legal Name of Applicant: _____

Print Name of Signer: _____

Title of Signer: _____

Signature: _____ **Date:** _____

This form must be executed by a managing member, manager, or other principle designated in question L-6 and must be accompanied by a signed meeting abstract that authorizes submission of this form and entry into the subject lease.

McKinney's Penal Law § 175.35(1) Offering a false instrument for filing in the first degree

A person is guilty of offering a false instrument for filing in the first degree when:

1. knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he or she offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation;...

Offering a false instrument for filing in the first degree is a class E felony.

McKinney's Penal Law § 175.30 Offering a false instrument for filing in the second degree

A person is guilty of offering a false instrument for filing in the second degree when, knowing that a written instrument contains a false statement or false information, he offers or presents it to a public office or public servant with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office or public servant.

Offering a false instrument for filing in the second degree is a class A misdemeanor.